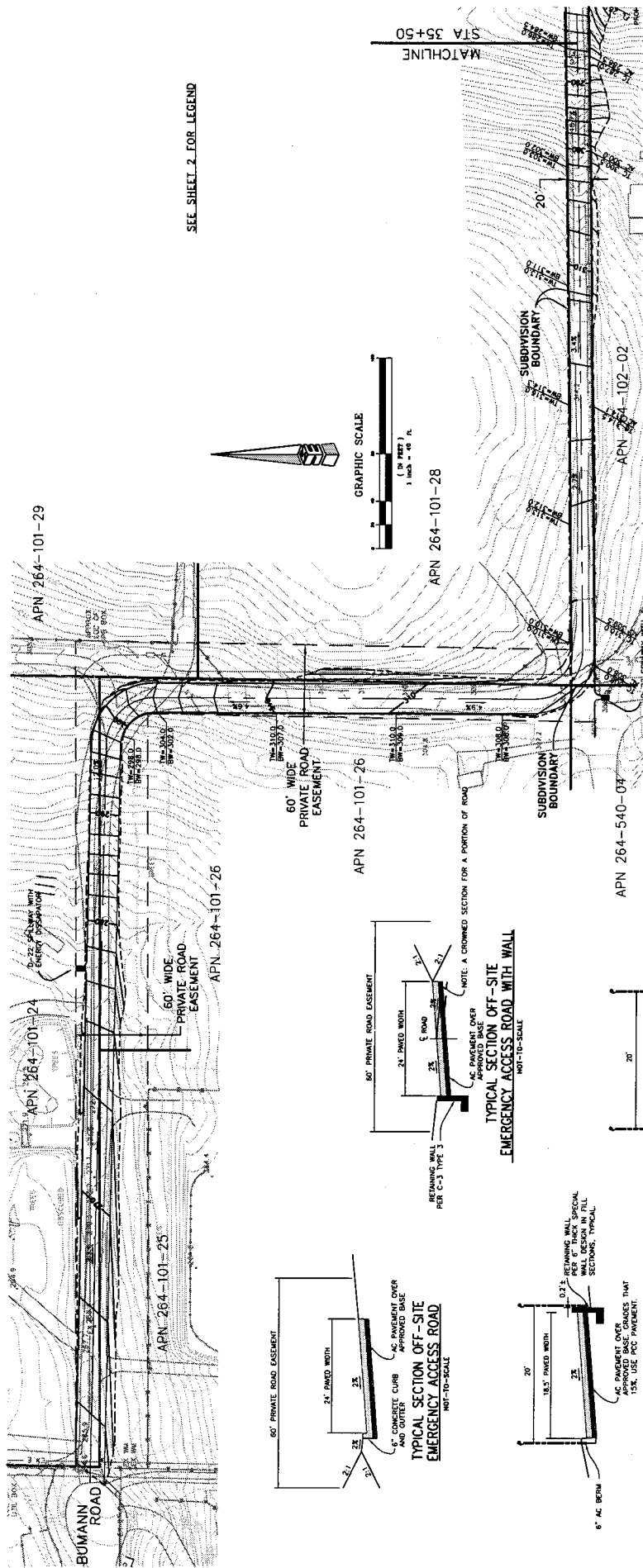
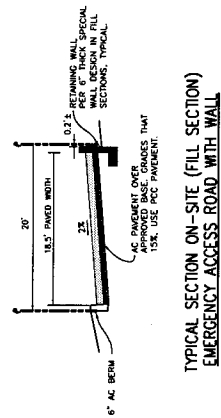
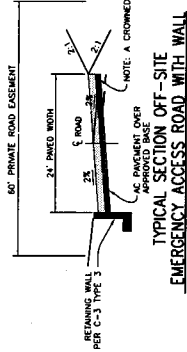
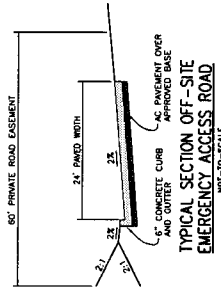


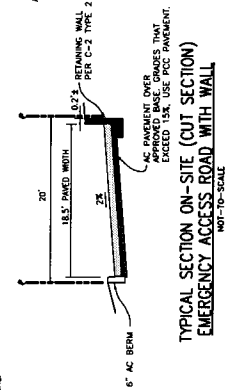
UNIT 6 TENTATIVE MAP - ALTERNATIVE C COUNTY OF SAN DIEGO



SEE SHEET 2 FOR LEGEND



TYPICAL SECTION ON-SITE (GUT SECTION)
EMERGENCY ACCESS ROAD WITH WALL
NOT-TO-SCALE



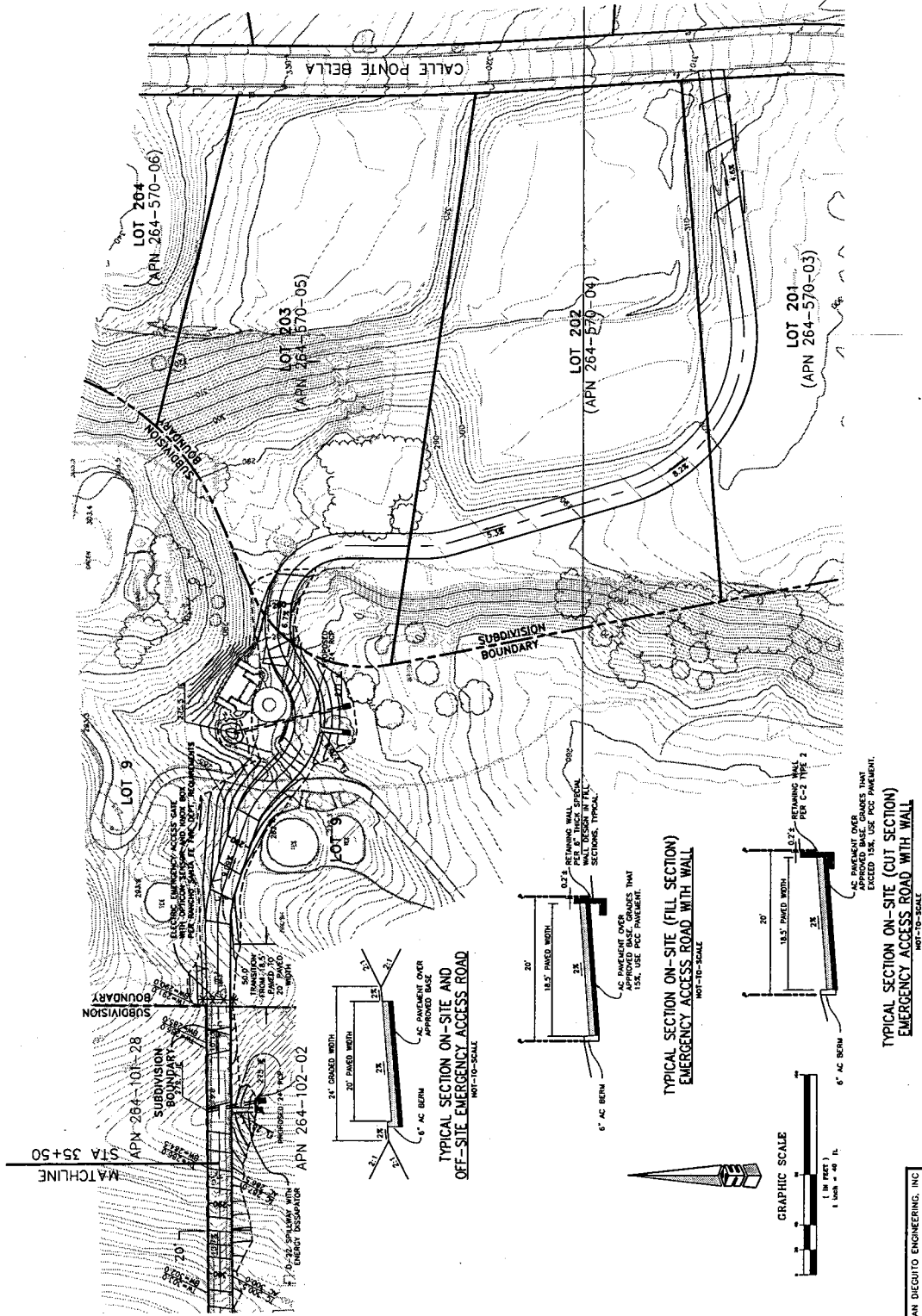
TYPICAL SECTION ON-SITE (GUT SECTION)
EMERGENCY ACCESS ROAD WITH WALL
NOT-TO-SCALE



EMERGENCY ACCESS ROAD

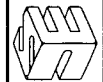
SAN DIEGO COUNTY ENGINEERING, INC.
 4400 IMPERIAL VALLEY RD. SUITE 105
 SAN DIEGO, CA 92108
 PHONE (619) 592-3823
 FAX (619) 592-3823
 CIVIL ENGINEERING • PLANNING
 LAND SURVEYING

UNIT 6 TENTATIVE MAP - ALTERNATIVE C COUNTY OF SAN DIEGO



EMERGENCY ACCESS ROAD

SAN DIEGUITO ENGINEERING, INC.
1400 JAVIERA DRIVE, SUITE 100
SAN DIEGO, CA 92161
PHONE (619) 753-5625
FAX (619) 753-5625
CIVIL ENGINEERING • PLANNING
LAND SURVEYING



ENGINEER'S NAME: SAN DIEGUITO ENGINEERING, INC.
PHONE NO. (760) 753-5525
SHEET 4 OF 4
FILE NO 4444.00

EXHIBIT "A"

LEGAL DESCRIPTION VACATION OF BIOLOGICAL OPEN SPACE EASEMENT

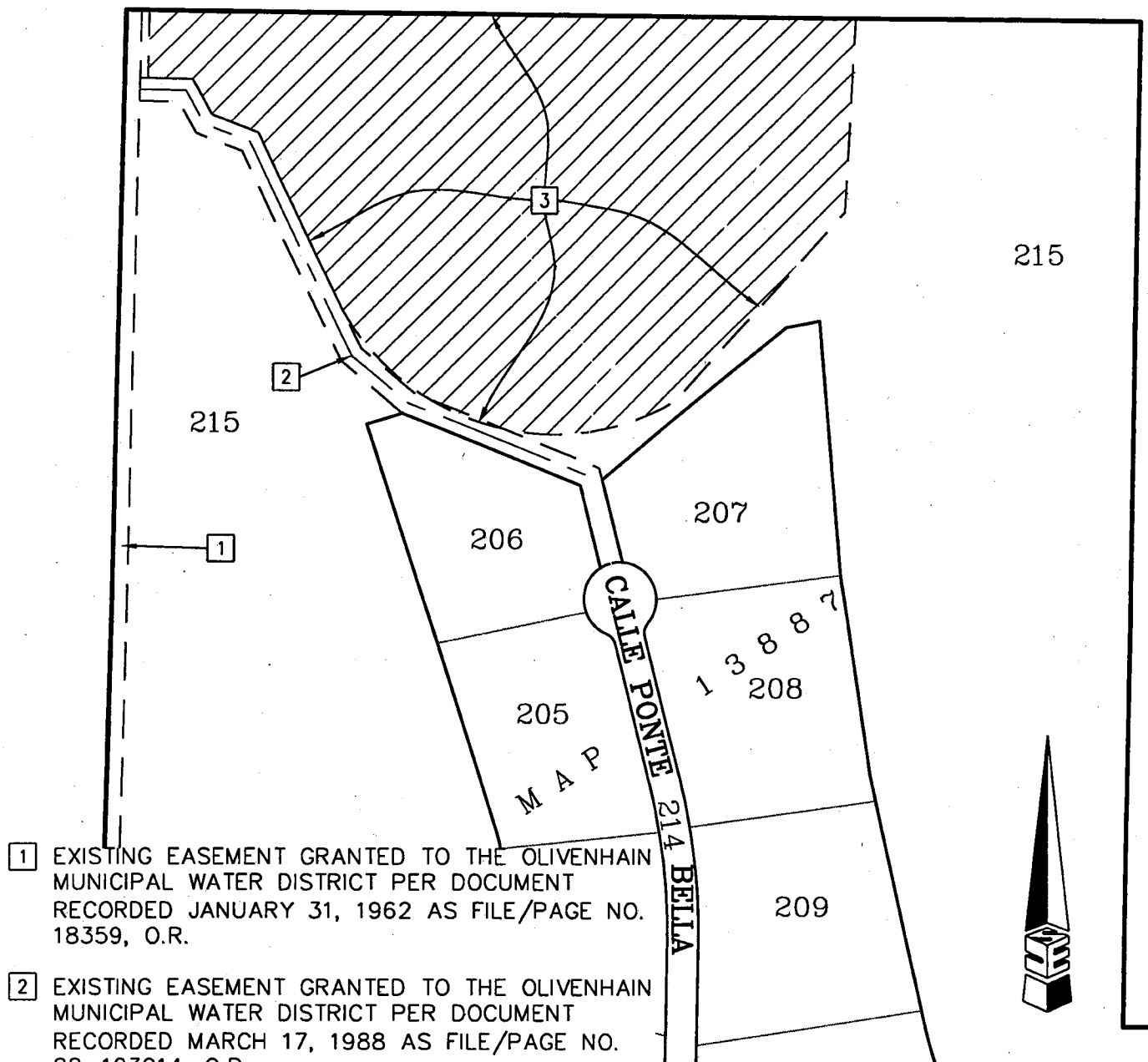
THAT PORTION OF THE BIOLOGICAL OPEN SPACE EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO RECORDED AUGUST 11, 1987 AS FILE/PAGE NO. 87-452193 OF OFFICIAL RECORDS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN LOT 215 OF COUNTY OF SAN DIEGO TRACT NO. 4569-6, ACCORDING TO MAP THEREOF NO. 13887, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 8, 1999.

CONTAINING 8.022 ACRES.



EXHIBIT "B"

BIOLOGICAL OPEN SPACE EASEMENT VACATION PLAT



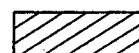
- 1 EXISTING EASEMENT GRANTED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT PER DOCUMENT RECORDED JANUARY 31, 1962 AS FILE/PAGE NO. 18359, O.R.
- 2 EXISTING EASEMENT GRANTED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT PER DOCUMENT RECORDED MARCH 17, 1988 AS FILE/PAGE NO. 88-123014, O.R.
- 3 EXISTING BIOLOGICAL OPEN SPACE EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED AUGUST 11, 1987 AS FILE/PAGE NO. 87-452193, O.R.

SCALE: 1" = 200'

0 200 400



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INDICATES EASEMENT
VACATION AREA
AREA = 8.022 AC.

EXHIBIT "A"

LEGAL DESCRIPTION
VACATION OF RECREATIONAL OPEN SPACE EASEMENT

THAT PORTION OF A RECREATIONAL OPEN SPACE EASEMENT RECORDED AUGUST 11, 1987 AS FILE/PAGE NO. 87-452194 AND RERECORDED APRIL 14, 1988 AS FILE/PAGE NO. 88-172855 BOTH OF OFFICIAL RECORDS LYING WITHIN LOT 215 OF COUNTY OF SAN DIEGO TRACT NO. 4569-6, ACCORDING TO MAP THEREOF NO. 13887, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 8, 1999, DESCRIBED AS FOLLOWS:

PARCEL A

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 206 OF SAID MAP AND BEING ALSO AN ANGLE POINT IN THE SOUTHERLY SIDELINE OF A OLIVENHAIN MUNICIPAL WATER DISTRICT EASMENT RECORDED MARCH 17, 1988 AS FILE/PAGE NO. 88-123014 OF OFFICIAL RECORDS; THENCE NORTH 31°01'32" EAST, 30.39 FEET TO AN ANGLE POINT IN THE NORTHERLY SIDELINE OF SAID EASEMENT AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID NORTHERLY SIDELINE NORTH 49°44'10" WEST (RECORD NORTH 50°12' 26" WEST), 89.79 FEET; THENCE NORTH 25°55'19" WEST (RECORD NORTH 26°23'34" WEST), 56.06 FEET TO A POINT ON THE SOUTHERLY LINE OF A BIOLOGICAL OPEN SPACE EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO RECORDED AUGUST 11, 1987 AS FILE/PAGE NO. 87-452193 OF OFFICIAL RECORDS, SAID POINT ALSO BEING A POINT OF CUSP AND THE BEGINNING OF A NON-TANGENT 314.33 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 60°56'11" WEST; THENCE LEAVING SAID NORTHERLY SIDELINE SOUTHEASTERLY ALONG SAID SOUTHERLY LINE AND THE ARC OF SAID CURVE 162.21 FEET THROUGH A CENTRAL ANGLE OF 29°34'03" TO A POINT ON SAID NORTHERLY SIDELINE; THENCE ALONG SAID NORTHERLY SIDELINE NORTH 68°12'47" WEST (RECORD NORTH 50°12'26" WEST), 19.49 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.013 ACRES.

PARCEL B

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 207 OF SAID MAP, SAID POINT ALSO BEING A POINT ON THE NORTHERLY SIDELINE OF THE HEREINABOVE DESCRIBED OLIVENHAIN MUNICIPAL WATER DISTRICT EASMENT; THENCE ALONG SAID SIDELINE NORTH 14°08'54" WEST, 15.31 FEET; THENCE NORTH 68°12'47" WEST, 37.18 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, A RADIAL BEARING THROUGH SAID POINT BEARS SOUTH 87°57'39" WEST; THENCE LEAVING SAID SIDELINE NORTHERLY 13.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°30'10" TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY, A RADIAL THROUGH SAID CURVE BEARS SOUTH 4°16'50" EAST; THENCE WESTERLY 31.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°26'23" TO A POINT ON THE NORTHERLY LINE OF SAID OLIVENHAIN MUNICIPAL WATER DISTRICT EASEMENT; THENCE ALONG SAID LINE NORTH 68°12'47" WEST, 64.26 FEET TO A POINT ON THE SOUTHERLY LINE OF THE HERINABOVE DESCRIBED BIOLOGICAL OPEN SPACE EASEMENT, SAID POINT ALSO BEING A POINT OF CUSP AND THE BEGINNING OF A NON-TANGENT 314.33 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL THROUGH SAID POINT BEARS

SOUTH 12°12'19" WEST; THENCE LEAVING SAID SIDELINE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE 134.36 FEET THROUGH A CENTRAL ANGLE OF 24°29'25" TO THE BEGINNING OF A NON-TANGENT 180.00 FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 80°49'24" WEST; THENCE LEAVING SAID SOUTHERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE 61.70 FEET THROUGH A CENTRAL ANGLE OF 19°38'19" TO A POINT ON THE NORTHERLY LINE OF SAID LOT 207; THENCE ALONG SAID NORTHERLY LINE SOUTH 50°28'14" WEST, 5.95 FEET TO THE POINT OF BEGINNING.

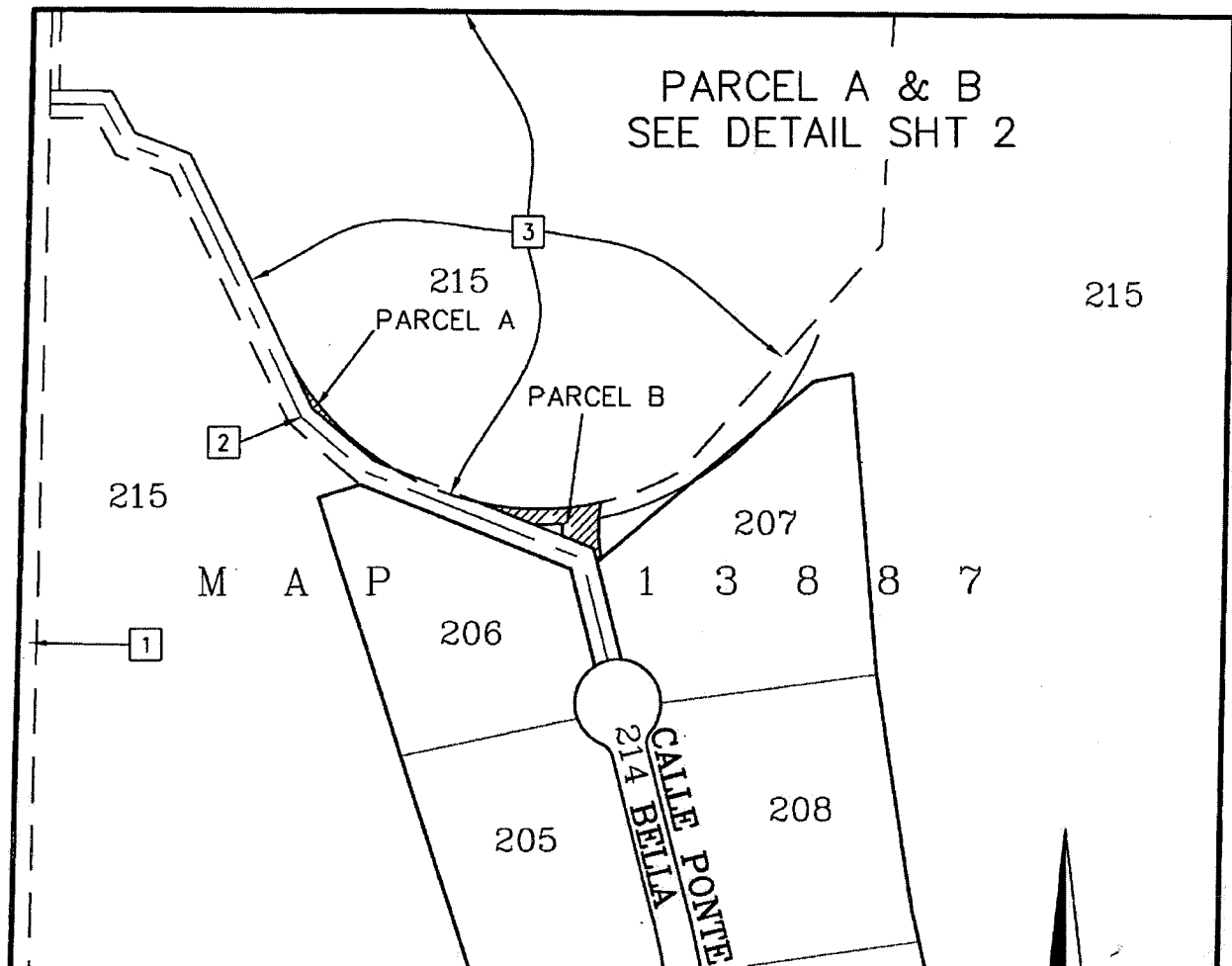
CONTAINING 0.062 ACRES.



EXHIBIT "B"

RECREATIONAL OPEN SPACE EASEMENT VACATION PLAT

SHEET 1 OF 2 SHEETS
RES No. 2008-0008-D



- 1 EXISTING EASEMENT GRANTED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT PER DOCUMENT RECORDED JANUARY 31, 1962 AS FILE/PAGE NO. 18359, O.R.
- 2 EXISTING EASEMENT GRANTED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT PER DOCUMENT RECORDED MARCH 17, 1988 AS FILE/PAGE NO. 88-123014, O.R.
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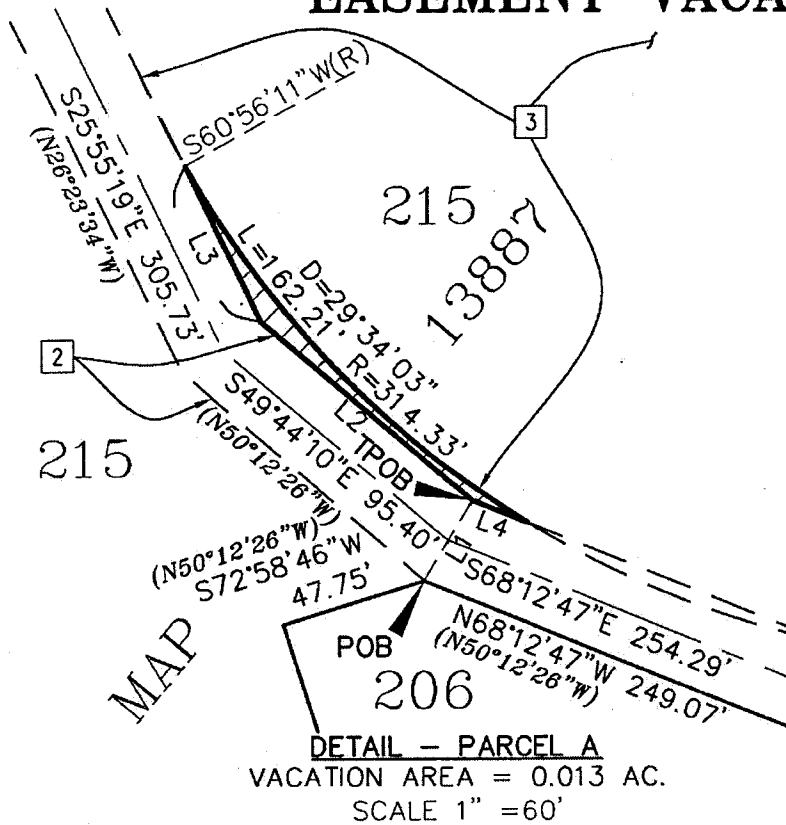
EXHIBIT "B"

RECREATIONAL OPEN SPACE EASEMENT VACATION PLAT

SHEET 2 OF 2 SHEETS
RES No. 2008-0008-D

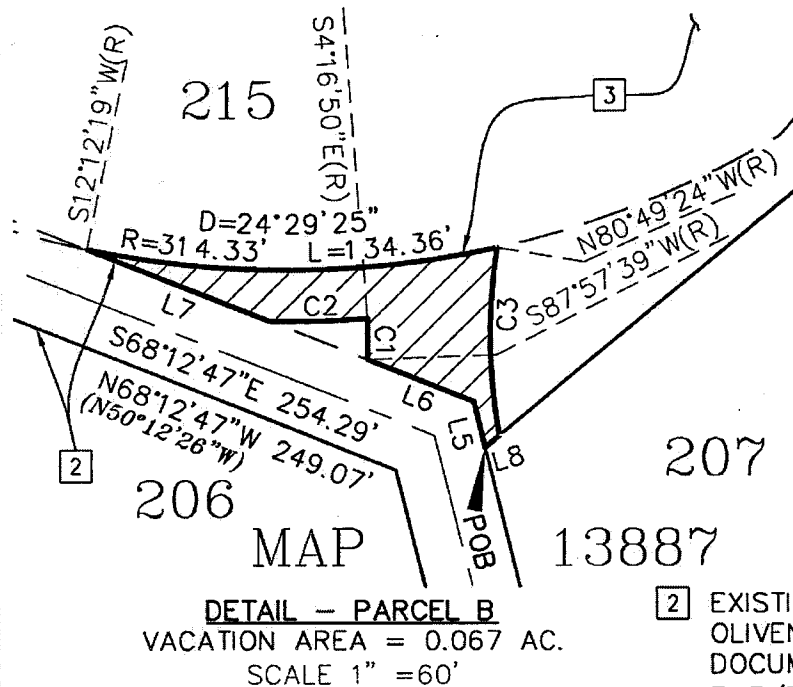


SCALE: 1" = 60'
0 60 120



INDICATES VACATION AREA

() INDICATES RECORD DATA
PER MAP 13887



LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°01'32"E	30.39'
L2	N49°44'10"W	89.79'
L3	S25°55'19"E	56.06'
L4	N68°12'47"W	19.49'
L5	N14°08'54"W	15.31'
L6	N68°12'47"W	37.18'
L7	N68°12'47"W	64.26'
L8	S50°28'14"W	5.95'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	3°30'10"	220.20'	13.45'
C2	5°26'23"	331.33'	31.46'
C3	19°38'19"	180.00'	61.70'

[2] EXISTING EASEMENT GRANTED TO THE
OLIVENHAIN MUNICIPAL WATER DISTRICT PER
DOCUMENT RECORDED MARCH 17, 1988 AS
FILE/PAGE NO. 88-123014, O.R.

[3] EXISTING BIOLOGICAL OPEN SPACE EASEMENT
GRANTED TO THE COUNTY OF SAN DIEGO PER
DOCUMENT RECORDED AUGUST 11, 1987 AS
FILE/PAGE NO. 87-452193, O.R.



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LAND SURVEYING

FORM OF DECISION
MAJOR USE PERMIT
P85-084W⁵

~~June 1, 2004~~ January 30, 2008

PERMITTEE: HCC Investors

IS GRANTED, as per plot plan dated ~~August 24, 2000~~ October 24, 2003, consisting of three sheets (as amended in red), a Major Use Permit, pursuant to Section 6600 of The Zoning Ordinance, for the development of: a 205-unit planned residential development with lot sizes 7,800 square feet and larger, and including an 18-hole golf course and related facilities permitted by Major Use Permit P85-064.

Modifications 2 and 3 have been combined into this single Form of Decision. These modifications primarily involve the deletion of requirements relating to SA 680. Other changes include:

- Unit 5 access will now be taken from a new road, Strada Fragante;
- A driving range will be added to the area north of the clubhouse replacing the swim/tennis center;
- The swim/tennis center will move to the southwesterly corner of Unit 4;
- Unit 4 will be reconfigured to accommodate the relocated swim/tennis center;
- An interim clubhouse will occupy a number of lots that are part of Unit 4 until such time as the permanent clubhouse is available for occupancy; and
- A comfort station has been added north of Unit 6.

Modification 4 allows at the applicant's discretion, a portion of the approved "Fitness, Swim, Tennis and Sales Complex" to be located on residential Lot 148. In addition, exceptions to the perimeter setback requirements set forth by the Planned Development Standards granted for Lots 175 and 176. In addition, a reduction of the front setback of Lot 177 to 5 feet is allowed provided the garage has a minimum driveway length of 20 feet.

Modification 5 involves changing 8.46 acres located in the northwesterly portion of the project area from open space use to residential use. Five units are proposed to be located in an area that will be an extension of the existing Unit 6. These units were transferred from other portions of the project where they weren't used and are being redistributed in accordance with a concurrently processed Specific Plan Amendment (SPA 01-004) and Tentative Map 5270RPL². There will be an extension of Calle Ponte Bella to reach these new lots, created by a boundary adjustment (B/C 03-0250). Modification 5 will also accommodate an emergency access from Calle Ponte Bella west off-site to Bumann Road.

The following conditions are imposed with the granting of this Major Use Permit:

- A. Prior to obtaining any building or other permit, except grading permits and model home permits, pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:
1. File and receive approval of a final subdivision map of the property pursuant to TM ~~4569~~ 5270RPL² or subsequent revision thereof.
 2. Grant an Irrevocable Offer to Dedicate real property for public highway to thirty feet (30') from centerline, plus slope rights and drainage easements for Avenida del Duque. NOTE: Subordination of any existing utility easements are not required.
 3. Execute an irrevocable offer dedicating real property for public highway to 30 feet plus slope rights and drainage easements along the easterly boundary of the property with a 20' radius corner rounding at street intersections.
 4. The subdivider shall either dedicate a 10-foot wide easement to the County for the San Dieguito Community Plan Riding and Hiking Trail along Aliso Canyon Road and the easterly boundary road or the outer 10 feet of right-of-way shall be shown on the map as "Reserved for Pedestrian and Equestrian Use".
 5. Contribute \$27,600.00 to the San Diego County Flood Control District Zone No. 1, as his/her share of future area flood control/drainage improvements.
 6. Submit a revised plot plan to the satisfaction of Department of Public Works delineating the 100-year flood lines of the natural channels crossing the property and draining watersheds in excess of 25 acres. The correct right-of-way location for the proposed roads must be shown also.
 7. Grant a flowage easement to the San Diego County Flood Control District for those portions of the property subject to inundation by a 100-year flood, from a drainage area in excess of one square mile.
 8. If dedicated, improve the Riding and Hiking Trail system to the following design standards to the satisfaction of the Director, Department of Public Works.

- a. The trail shall contain a minimum eight (8) feet of tread width with drainage structures as necessary.
 - b. The trail surface shall consist of the native soil, or where the soil is highly erosive or will not support the traffic, a tread surfacing material such as decomposed granite which will blend with the natural environment shall be provided.
 - c. Trail gradients shall not exceed 15%. Where natural grades exceed 15% sufficient width for switchbacks shall be provided to accommodate a 15% gradient trail.
 - d. Trails shall intersect roads at approximately 90-degree angles.
 - e. The trail system shall be continuous through the subdivision and shall provide for local access within the subdivision.
 - f. Points where the trail exits the subdivision shall be coordinated with existing or planned trail locations on adjacent property.
 - g. Signs at trail entrances to provide identification, rules and regulations; and markers along the route to direct the users.
9. Obtain an approved grading plan showing that all drainage on the property will be properly conveyed to handle the 100-year storm flows.
 10. For the minor dam forming the smaller lake (water level 350 feet), a report on the stability of the dam is to be prepared by a civil engineer specializing in soils engineering and submitted to the Department of Public Works for approval. The report is to include but not be limited to general stability, data or spillway capability, and recommendations for necessary improvements shall be made. The spillway shall conform to the criteria of the San Diego County Flood Control District's "Design and Procedure Manual".
 11. For any dams or ponds where applicable the applicant shall obtain a permit from the State of California, Department Water Resources, Division of Safety of Dams.
 12. Obtain Department of Public Works approval for the crossing of Escondido Creek at the 10th and 15th holes.

13. Prior to implementation of Units 3 and 6 of the Specific Plan, the applicant shall to the satisfaction of the Director of the Department of Planning and Land Use:
- a. Either dedicate Open Space Easements of SDi-5956R in Unit 3 and SDi-6007 in Unit 6 which prohibits the removal of native vegetation, movement of mechanical equipment of the sites, or any grading, drilling, or construction [4A/EIR]; or
 - b. Submit a new Research Design for archaeological salvage excavation of SDi-5956B and SDi 6007. The salvage plan for each site shall include:
 - (1) A layout of excavation units for the first 5% of the sampling universes;
 - (2) The flaked and ground stone tool typology to be used in the analysis;
 - (3) A list of hypotheses which accommodates the viewpoints of professional peers in the current literature;
 - (4) A list of the technical analyses proposed for study of the samples, such as obsidian hydration, radiocarbon dating, poles-magnetism, pollen analysis, macro-floral analysis, faunal analysis, flaked stone edge-wear analysis, electron microscope of wear surfaces, thermo-luminescence, etc. These, and any other studies, need narrative explanation as to how resultant data would address hypotheses in the Research Design;
 - (5) Upon approval of the Research Design by the Director of the Department of Planning and Land Use, commence the implementation of the salvage work as Unit 3 and Unit 6 phase into operation [4B/EIR].
 - c. Prior to recordation of the Final Map or issuance of any grading or other use permits in Unit 3, the applicant shall either retain a qualified archaeologist to implement Condition 4-B above or dedicate an Open Space Easement with the prohibitions listed in 4-A above. The qualified archaeologist and applicant shall submit a professional salvage report which addresses the approved Research Design in accordance with the current standards of the day [4C/EIR].

- d. Prior to recordation of the Final Map or issuance of any grading or other use permits in Unit 6, the applicant shall either retain a qualified archaeologist to implement Condition 4B above or dedicate an Open Space Easement with the prohibitions listed in 4-A above. The qualified archaeologist and applicant shall submit a professional report which addresses the approved Research Design in accordance with the current standards of the day [4D/EIR].
14. Grant to the County an open space easement over those portions of Lot 206 (TM 4569) which are shown on the plot plan to remain in native vegetation and not developed into tees, greens, fairways or cart paths for the golf course. Said easement shall be approved as to form by County Counsel and shall:

Prohibit any building, structures or other things from being constructed, erected, placed or maintained, including the addition or removal or disturbance of soil or vegetation, unless by written order of a fire marshal for the purpose of necessary fire control on subject easements except as may be permitted by Major Use Permit issued pursuant to the Zoning Ordinance. [DPLU Regulatory Section]
15. Grant to the County an open space easement over those portions of Lot 206 (TM 4569) which are shown on the plot plan as the playing area for the golf course. Said easement shall be approved as to form by County Counsel and shall:

Limit the use of said open space to recreational purposes, including buildings, structures and improvements. [DPLU Regulatory Section]
16. Grant to the County an open space easement over an 8-acre portion of Unit 6 as shown on the approved Specific Plan Map. Said easement shall be approved as to form by County Counsel and shall:

Prohibit any building, structures or other things from being constructed, erected, placed or maintained, including the addition or removal or disturbance of soil or vegetation, unless by written order of a fire marshal for the purpose of necessary fire control on subject easements. This easement shall be fenced to protect the resource during the construction phase. Following construction the easement shall be enclosed by a decorative fence.
17. Submit and receive approval of a grading plan shall be required for the golf course which shall show all areas to be graded or otherwise

disturbed. The grading plan shall show where access for construction equipment is to be provided, and where fencing will be located to ensure that native vegetation will not be disturbed.

18. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed landscape plan for each phase substantially in accord with the exhibit presented to the Planning Commission on August 15, 1986. The landscape plans and review fee shall be submitted to the Regulatory Planning Division. Plans shall include:
 - a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location and spacing of all trees proposed to be planted within said right(s)-of-way.
 - b. A complete planting plan including the names, sizes and locations of all plant materials, including trees, shrubs and ground cover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture other than such irrigation as is necessary to establish the plantings.
 - c. A complete watering system including the location, size and type of backflow prevention devices, pressure and non-pressure water lines, valves and sprinkler heads in those areas requiring a permanent irrigation system. For areas of native or naturalizing plant material, the landscape plan shall show a method of irrigation adequate to assure establishment and growth of plant material through two growing seasons.
 - d. Finished elevation of the proposed grading.
 - e. The following specific items shall be addressed as part of the landscape plan:
 - (1) The applicant shall submit a plan for the golf course which shows:
 - (a) All areas which are remain in native vegetation.
 - (b) All cart paths, fences, bridges (elevations) and maintenance buildings.

- (c) The clubhouse from the entry grade shall be single story. The downhill portion of the clubhouse shall not exceed two stores. The footprint shall not exceed 40,000 square feet.
 - (d) The applicant shall comply with the parking regulations and Off-Street Parking Design Manual.
 - f. The location and type of walls, fences and walkways and lighting to be installed.
 - 19. Construct a temporary fence around the easement required by Condition A-16 (above), satisfactory to the Director, Department of Planning and Land Use which will protect the resources from all grading and construction impacts.
- B. Prior to approval of building permits for the residential lots in Modification #5, the applicant shall:
- 1. Make a payment to the County's Transportation Impact Fee (TIF) program. The fee will be based on the TIF fee schedule in effect at the time of issuance of building permits (MM3.4.4a).
 - 2. Demonstrate that automatic fire sprinklers will be installed in all residences.
 - 3. Demonstrate that secondary emergency access has been provided to Bumann Road, as shown on TM 5270RPL². The width varies from approximately 18 feet to 20 feet. In addition, a gate shall be installed and the gate operation shall include strobe and Knox key access.
- B.C. Prior to the approval of street improvement plans for Modifications 1-4, the applicant shall:
- 1. Deposit with the County of San Diego, through the Department of Public Works, in care of the cashier, a cash deposit sufficient to:
 - a. Pay the cost of annexing this land without notice or hearing to an existing special district to operate and maintain the street lights. This cost shall include the fee for processing through the State Board of Equalization.
 - b. Energize, maintain and operate the streetlights until revenues begin accruing from this development for those purposes.

- c. Augment the Contingency Fund of the existing district by an amount equal to three months' operating cost of the streetlights.
- d. Augment the Reserve Fund by one month's operating cost.

C.D. Prior to any occupancy of any dwelling units (within any construction phase) of the development or use of the premises pursuant to this Major Use Permit, the following shall be accomplished:

1. All landscaping, recreational facilities and improvements (for said phase) shown on the approved plot plan and landscaping shall be installed.
2. All parking areas shall be improved with a minimum of two inches of asphaltic concrete or concrete. The base and surface of all private streets shall conform to San Diego County Standards for public streets.
3. Finished grading shall be certified by a registered Civil Engineer and inspected by the County Engineer for drainage clearance. Approval of the rough grading does not certify finished grading because of potential surface drainage problems that may be created by landscaping accomplished after rough grading certification. If a grading permit is not required for the project, a registered Civil Engineer's certification for the drainage clearance shall still be required.
4. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property happening or occurring as the proximate result of any work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
5. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use and Department of Public Works.
6. The permittee shall make suitable provisions as outlined in "a" and "b" following, to assure the continued maintenance and operation of open space, recreational facilities and improvements specified herein:
 - a. The permittee and all persons, firms or corporations, owning the property subject to this Major Use Permit at the time of the recording of the final map or maps, their heirs, administrators, executors, successors, and assigns shall operate, maintain and repair all common open space, recreational facilities and

improvements shown on the plot plan primarily for the benefit of the residents of the subject development and non-owner members and shall continue to operate, maintain and repair said open space, facilities and improvements until such time as the operation and maintenance of said recreational facilities and improvements is assured by some public agency, district, corporation or legal entity approved by the Board of Supervisors.

- b. The permittee and all persons, firms or corporations, owning the property subject to this Major Use Permit at the time of the recording of the final map or maps, their heirs, administrators, executors, successors, and assigns shall operate, maintain and repair all common open space, recreational facilities and improvements shown on the plot plan primarily for the benefit of the residents of the subject development and shall continue to operate, maintain and repair said open space, facilities and improvements until such time as the operation and maintenance of said recreational facilities and improvements is assured by some public agency, district, corporation or legal entity approved by the Board of Supervisors.

- 7. Construct a permanent, decorative fence around the easement required by Condition A-19 (above), satisfactory to the Director of Planning and Land Use which will preserve the resources identified by the Environmental Impact Report (EIR).

~~D.E.~~ Prior to recordation of the 6th Unit of TM 4569, the applicant shall file a replacement plot plan (no fee required), satisfactory to the Director of Planning and Land Use, which revises the boundaries of P85-064 to exclude all areas proposed for residential development pursuant to the Canyon Creek Specific Plan.

~~E.F.~~ Prior to recordation of the last phase the main golf course clubhouse shall be completed and ready for occupancy. If substantial progress on the main clubhouse has been completed, Units 5 and 6 of Tentative Map 4569 may proceed with recordation without the benefit of a certificate of occupancy. Substantial progress shall be defined construction of the exterior walls and roof structure.

G. Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Major Use Permit, the following conditions shall apply:

- ~~F.~~1. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to Section 6324 of the Zoning Ordinance.
- ~~G.~~2. All features shown on the approve plot plan shall be located substantially where they are shown, and shall be constructed in accordance with appropriate San Diego County Code Sections.
- ~~H.~~3. No exterior radio or television antennas shall be permitted. The developer shall make the necessary arrangements for the installation of licensed cable television service to all dwelling units. If such service is unavailable (no licensed operator is found to be willing and able to install a system), the developer shall provide a Master Antenna System with a common central antenna and underground cable to all dwelling units. The Master Antenna System shall be maintained and ultimately conveyed to the purchasers of the dwelling units in the same manner provided for open space, recreational facilities and other improvements that are also a part of this Major Use Permit.
- ~~I.~~4. All utility distribution facilities within the boundaries of the subject development shall be placed underground in accordance with Section 811403(3) of the San Diego County Code.
- ~~J.~~5. The roads, parking areas and driveways shall be well maintained.
- ~~K.~~6. All landscaping shall be adequately watered and well maintained at all times.
- ~~L.~~7. The terms and conditions of this Major Use Permit shall be binding upon the permittee and all persons, firms and corporations having an interest in the property subject to this Major Use Permit and the heirs, executors, administrators, successors and assigns of each of them, including municipal corporations, public agencies and districts.
- ~~M.~~8. No loudspeaker or sound amplification system shall be used to produce sounds in violation of the County Noise Ordinance (except for an electric bell or chime system which may be sounded between 9:00 a.m. and sunset one day per week and on religious holidays for churches only).
- ~~N.~~9. The golf course shall be a private facility for the enjoyment of the residents of Canyon Creek Country Club. Limited outside memberships may be sold depending upon demand from within Canyon Creek. The total number of memberships shall not exceed 500.

- Q.10. A modification to the perimeter setback requirement set forth at Section 6642 of The Zoning Ordinance (Planned Development Standards: Setbacks-Perimeter) to allow the rear yards for Lots 175 and 176 to be minimum 25 feet. Section 6678 of The Zoning Ordinance provides for such modification. The reduction in rear yard would not adversely impact adjacent properties because the rear yard for adjacent properties is 30 feet. In addition, a reduction of the front setback of Lot 177 to 5 feet is allowed provided the garage has a minimum driveway length of 20 feet.

The following conditions pertain to Modification #5.

11. All components of the project are required to comply with applicable provisions of the NPDES Municipal Permit and the County of San Diego Stormwater Ordinance/Manual and SUSMP. The project must implement the Best Management Practices identified in the Stormwater Management Plan (SWMP/SMP) for the Project including:
- a. Common areas will be landscaped with drought-tolerant and native plants, where feasible;
 - b. Site drainage will be designed so that runoff flows into and over vegetated areas, to the maximum extent feasible;
 - c. Drainage outlets will be equipped with energy dissipators;
 - d. New impervious surfaces at the driving range will be limited to the minimum area feasible and most additional impervious areas will be graded to drain through landscaped areas;
 - e. Regular street sweeping will be implemented;
 - f. Weekly waste, green waste and recycling disposal will be implemented;
 - g. Storm drain inlets will be stenciled to discourage illicit discharge;
 - h. Educational materials regarding appropriate storm water discharges and brush management will be distributed to homeowners;
 - i. Project CC&Rs will be used to discourage homeowners from discharging pollutants into the storm drain system and to establish standards for maintenance of individual lots and associated drainage facilities;
 - j. Culverts and curb outlets will be regularly inspected and maintained as necessary to ensure proper working order and to minimize erosion/sedimentation issues;
 - k. Chemical applications and irrigation of landscaping will be kept to the minimum necessary by using proper application techniques, state-of-the-art irrigation materials and conformance with manufacturer's specifications.

Implementation of this measure is subject to the monitoring and approval of the Department of Public Works.

12. All components of the project are required to comply with the Grading Ordinance, particularly Section 87.414 (Drainage – Erosion Prevention) and 87.417 (Planting) of Division 7, Excavation and Grading. Standard measures are proposed during the grading and construction phase to reduce environmental impacts from erosion including hydroseeding of graded residential lots. Dirt storage areas will be stabilized by chemical binders, tarps, fencing or other erosion control (existing regulations and above measures).
13. The applicant has agreed to improve portions of the equestrian trail along Via de las Flores, which are constrained by the water pumping facilities. Improvements may include placing the facilities underground or realigning the trail (Planning Commission).
14. The applicant shall cease use of the tennis courts and pro shop found to be in violation of County of San Diego codes and regulations (SDCZO 7705 and SDCCRO 51.0106.1), until Administrative Citations 30050 and 30051 have been corrected.

G. Within one year from the approval of this permit the applicant shall have either removed the illegal use and structures or have obtained permits that allow the use and structures.

This Major Use Permit expires on ~~June 1, 2002~~ March 1, 2010 at 4:00 p.m. (or such longer period as may be approved by the Planning Commission or Board of Supervisors of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to expiration date.

Recordation of a Final Map pursuant to TM 5270RPL² and completion of (or entry into agreements to construct where permitted) all required improvements shall be deemed to establish such construction and/or use in reliance. If a moratorium is imposed pursuant to Section 66452.6(b) of the Subdivision Map Act which precludes recordation of TM 5270RPL², this permit shall expire on the same date as TM 5270RPL² (unless a time extension is granted for said Tentative Map).

The following shall be the Mitigation Monitoring or Reporting Program for The Bridges, P85-084W⁵.

Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Reporting or Monitoring Program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The Mitigation Monitoring Program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

A. Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

B.1, 2 and 3.

B. Ongoing Mitigation

Compliance with the following conditions is assured because County staff will monitor the on-going requirements and, if necessary, pursue the remedies specified in the project permit, the security agreement, or the mitigation monitoring agreement:

G.11 and 12

NOTICE - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions required in this approval begins on June 1, 2001.

NOTICE - The subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). THE LISTING MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE. It is advisable to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: The applicant has complied with Fish and Game Code Section 711.4 which requires that certain projects pay fees for purposes of funding the California Department of Fish and Game. A payment in the amount of \$1,250 was made on August 25, 1999, Receipt Number 85777, prior to the public review of the Environmental Impact Report pursuant to San Diego County Administrative Code Section 362, Schedule C.

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify, and hold harmless the County, its agents, officers, and employees, from any claim, action, or proceeding against the County, its agents, officers, or employees to attack, set aside, void, or annul this approval or any of the proceedings, acts of determination taken, done or made prior to this approval, if the action is brought within the time period specified in Government Code Section 66499.37; and (2) reimburse the County, its agents, officers, and employees for any court costs and attorney's fees which the County, its agents or officers or employees may be required to pay as a result of this approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense. (This paragraph also pertains to Modification #5)

CEQA FINDINGS - MODIFICATION #4

1. The "California Environmental Quality Act Guidelines Sections 15162, 15163, and 15164 Findings for Determining the Appropriate Environmental Documentation for Use on a Subsequent Project with a Previously Adopted EIR" dated October 31, 2000 on file with DPLU as Environmental Review Number 85-08-050A & B; is hereby adopted.
2. It is hereby found that the Planning Commission has reviewed and considered the information contained in the final EIR dated August on file with DPLU as Environmental Review Number and Addendum thereto dated July 21, 1999 on file with DPLU as Environmental Review Number 85-08-050 prior to making its decision on the project.
3. The "California Environmental Quality Act Guidelines Section 15091 Findings Regarding Significant Effects of the Project" dated August 26, 1986 on file with DPLU as Environmental Review Number 85-08-050; is hereby adopted.

4. The "Statement of Overriding Considerations" dated August 15, 1986 on file with DPLU as Environmental Review Number 85-08-050; is hereby adopted.

Pursuant to Section 7358 of the Zoning Ordinance, the following findings in support of the approval of the Major Use Permit are made:

- (a) The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration give to:

1. Harmony in scale, bulk, coverage and density

The fact (facts) supporting Findings (a-1) is (are) as follows:

The project which is included within the Canyon Creek Country Club Specific Plan (SP 86-01) will be developed in a manner consistent with the rural atmosphere of the surrounding area. The recreational facilities will be single story and incorporate the natural features on-site. The residential density (.46 dwelling unit per acre) is consistent with the density permitted by the San Dieguito Community Plan.

2. The availability of public facilities, services, and utilities

The fact (facts) supporting Findings (a-2) is (are) as follows:

Service availability letters have been received from all of the required districts indicating ability to serve the proposed uses. The Rancho Santa Fe Community Services District will require the applicant to annex to said District. Water supply shall be available from the Olivenhain Water District for both the golf course and residential uses. The water supply to the golf course is interruptible during periods of drought.

3. The harmful effect, if any, upon desirable neighborhood character

The face(facts) supporting Findings (a-3) is (are) as follows:

Over half of the property (58%) is proposed for dedicated open space. The relatively small residential lot sizes will not have an adverse effect upon desirable neighborhood character because the maintained open space uses will be compatible with surrounding rural development.

4. The generation of traffic and the capacity and physical character of surrounding streets

The fact (facts) supporting Findings (a-4) is (are) as follows:

The Department of Public Works has reviewed this project and has required the necessary conditions to mitigate any potential traffic and circulation impacts.

5. The suitability of the site for the type and intensity of use or development which is proposed

The fact (facts) supporting Findings (a-5) is (are) as follows:

The clustered residential uses permit the retention of large areas for dedicated open space. The golf course is well suited to the site because the hillsides, canyon and water hazards will provide for an aesthetic and challenging course.

6. The harmful effect, if any, upon environmental quality and natural resources

The fact (facts) supporting Findings (a-6) is (are) as follows:

The combination of natural and developed open spaces will mitigate any harmful effects to significant on-site environmental resources.

- (b) The impacts, as described in Findings (a) above, and the location of the proposed use will not adversely affect the San Diego County General Plan.

The fact (facts) supporting Findings (b) is (are) as follows:

The site is designated at (17) Estate and (24) Impact Sensitive in the San Dieguito Community Plan and Estate Development in the Regional Land Use Element. Areas proposed for development are contained in the (17) Estate Designation and are found to be uses that are consistent with that category.

Pursuant to Section 7358 of the Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

- (a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The facts supporting Finding (a-1) are as follows:

The original permit was found to be consistent with this finding because the project will be developed in a manner consistent with the rural atmosphere of the area. The recreational facilities will be single story and incorporate the natural features on the site. The third modification did not propose to make any changes to the existing development regulations, as indicated on the plot plan that would affect scale, bulk and coverage. In addition, no change to the density is proposed. The fourth modification allows, at the applicant's discretion, a portion of the "Fitness, Swim, Tennis and Sales Complex", approved with P85-064W³, to be located on a residential lot (Lot 148) adjacent to the complex site. This change provides some site design flexibility in a portion of the project that would not affect off-site uses. Lot 148 is currently the site of the Temporary Clubhouse. In addition, the fourth modification allows Lots 175 and 176 an exception to the required 50-foot rear yard setback. A reduction to 25 feet is acceptable because the rear property line of these lots is also the boundary of the project. Said reduction would make the setback the same as the standard 25-foot perimeter setback required by the Planned Development Standards. This is reasonably comparable to the adjacent approved project that clustered residential development with 30-foot rear yards. The 25-foot perimeter setback will be observed on Lots 177 and 178.

2. The availability of public facilities, services, and utilities.

The facts supporting Finding (a-2) are as follows:

Service availability letters have been received from all the required districts indicating ability to serve the proposed uses.

3. The harmful effect, if any, upon desirable neighborhood character

The facts supporting Finding (a-3) are as follows:

The original permit was found to be consistent with this finding because over half of the property (58%) is proposed for dedicated open space. The relatively small residential lot sizes will not have an adverse effect upon desirable neighborhood character because the maintained open space uses will provide adequate buffer between the proposed development and the surrounding rural development. The third modification did not propose any significant change to the location of the uses. Open space will be added along the southerly boundary due to the deletion of the right-of-way for SA 680. The fourth modification proposes the possible use of a residential lot for part of the Fitness, Swim, Tennis,

and Sales Complex. The site of the complex is in the north central portion of the development and such a change would not affect off-site uses. Lot 148 is currently the site of the Temporary Clubhouse. The other proposed exceptions to the setback requirements for Lots 175 and 176 are minor and not likely to affect approved development to the north within the Santa Fe Creek Specific Plan.

4. The generation of traffic and the capacity and physical character of surrounding streets

The facts supporting Finding (a-4) are as follows:

There will be no additional traffic generated by the proposed amendments and modifications above what was estimated in the original EIR. The original EIR overestimated the trip generation rate for the golf course, using 750 ADT (average daily trips) instead of 700 ADT. The addition of the driving range will add an estimated 35 ADT to the 700 ADT, which is still less than the 750 ADT used in the original EIR. The traffic study developed for the deletion of SA 680 reported that the deletion would not significantly affect traffic volumes or flow within the traffic study area. The project is also consistent with the certified EIR (San Diego County Board of Supervisors November 1, 1995) for the deletion of SA 680. The access modification to Unit 5, via Strada Fragante, will not result in significant circulation impacts. The fourth modification will not result in any additional significant traffic impacts.

5. The suitability of the site for the type and intensity of use or development which is proposed

The facts supporting Finding (a-5) are as follows:

The original permit was found to be consistent with this finding because the clustered residential uses permit the retention of large areas for dedicated open space. In addition, the golf course is well suited to the site because the hillsides, canyon and water hazards will provide for an aesthetic and challenging course. The third modification did not propose to change any of the uses approved by the original permit. The fourth modification allows a residential lot to be utilized as part of the Fitness, Swim, Tennis and Sales facility. If the lot is suitable for a residential structure, it is also suitable for a non-residential structure. Lot 148 is currently the site of the Temporary Clubhouse. The proposed reduction in setbacks is minor and would not affect off-site uses to the north.

6. Any other relevant impact of the proposed use

No other relevant impacts have been identified.

- (b) The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Dieguito County General Plan.

The facts supporting Finding (b) are as follows:

The proposed planned residential development is allowed by the Canyon Creek Specific Plan (SP 86-001) that was adopted by the Board of Supervisors in 1986. The project site is located north of Rancho Santa Fe and south of Elfin Forest. The project density is consistent with the land use designations present on the site and the concept of clustering residential development around a golf course is apparent in other portions of the San Dieguito Plan Area. Two existing such developments are Del Mar Country Club and Rancho Santa Fe Farms Country Club. The residential goal of the San Dieguito Community Plan states: "Enhance the present living environment while accommodating gradual residential development that harmonizes with the natural environment."

The golf course has been designed to accommodate the Escondido Creek Resource Conservation Area. The main feature of this area is the unique Riparian woodland along the perennial stream in the Escondido Creek Canyon.

Other relevant policies and recommendations that the project implements include the following:

- Site designs should emphasize the clustering of dwelling units in order to improve upon the amount and character of usable open space.
- Limit residential development on steep slopes, canyons, floodplains, prime agricultural land, and where development would block scenic views and vistas.
- Prevent any alteration of the natural riparian habitat within the areas designated (24) Impact Sensitive located along Escondido Creek, Encinitas Creek and the San Dieguito River.
- Retain all watercourses in their natural state and prohibit all structures including fences within the floodway.

- Preserve the integrity, function and long-term viability of environmentally sensitive habitat within the San Dieguito Community Plan Area. Emphasis shall be placed on areas exhibiting riparian characteristics; Coastal sage and scrub; and Coastal mixed chaparral.

The change proposed by the fourth modification does not require an amendment to this finding.

- (c) That the requirements of the California Environmental Quality Act have been complied with.

The facts supporting Finding (c) are as follows:

An EIR dated August 26, 1986, was certified for the Canyon Creek Specific Plan and the third modification did not propose changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified EIR, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said EIR was prepared. For these reasons an Addendum has been prepared to account for the modifications, in particular, the deletion of SA 680. Regarding the fourth modification, it was found that there are no changes or additions required to make the previously certified EIR accurate in covering the new project. The proposed modification does not change the overall project design and is adequately covered by the previous EIR without the addition of an Addendum. Moreover, the environmental initial study did not uncover any major changes in circumstances, or new information of substantial importance.

FINDINGS FOR MODIFICATION #5:

CEQA FINDINGS

1. It is hereby certified that the final EIR dated December 14, 2007, on file with DPLU as Environmental Review Number 01-08-004, has been completed in compliance with the California Environmental Quality Act, reflects the Board of Supervisor's independent judgment and analysis, and was presented to the Board of Supervisors and the Board of Supervisors has reviewed and considered the information contained in the final EIR prior to approving the project;
2. The "California Environmental Quality Act Guidelines Section 15091 Findings Regarding Significant Effects of the Project" dated December 14, 2007, on file with DPLU as Environmental Review Number 01-08-004; is hereby adopted;

STORMWATER FINDINGS

1. It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.

RESOURCE PROTECTION ORDINANCE FINDINGS

1. It is hereby found that the use and development permitted by the application is consistent with the provisions of the Resource Protection Ordinance;

MAJOR USE PERMIT FINDINGS

The following findings are required prior to the approval of a modification to a Major Use Permit:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

Changing 8.46 acres from open space to residential use will not affect the surrounding estate residential uses because substantial buffer areas exist, or have been provided as part of the project, to separate the proposed residential development on minimum one-acre from the existing estate residential development on lots of two acres or greater. There will be a 100-foot main building setback from the residential uses immediately to the north. The Unit 6 property is not considered a prominent ridgeline or significant visual resource, as is the larger, more contiguous open space found at higher elevations further to the northeast.

2. The availability of public facilities, services, and utilities

All necessary public facilities are available to the project site. No significant increase in services is necessary to accommodate the five lots associated with TM 5270RPL² because these units are being redistributed from other portions of The Bridges Specific Plan where they were not utilized.

3. The harmful effect, if any, upon desirable neighborhood character

Changing the existing 8.46-acre open space area to accommodate five minimum one-acre residential lots will not significantly affect the character of the area because it represents a continuation of development that is already approved to the south within the existing part of The Bridges (Unit 6). The areas to the east and west of the proposed residential site are buffered by substantial areas of existing golf course and natural open space. To the north, the project proposes a 100-foot main building setback from the existing estate residential uses.

4. The generation of traffic and the capacity and physical character of surrounding streets

Traffic Impact Analysis was done for the project and it determined that there would be no direct impacts. Cumulative impacts will be mitigated through the payment of the Traffic Impact Fees.

5. The suitability of the site for the type and intensity of use or development which is proposed

The northerly portion of the site proposed for development of the five units (TM 5270RPL²) is generally level with gradual slopes to the east and south. Grading for these areas will involve 9,650 cubic yard of export that will be used to for the proposed expansion of the driving range.

6. Any other relevant impact of the proposed use

No other impacts have been identified.

b. The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan.

The Bridges Specific Plan is within the Estate Development Area (EDA) Regional Category and the Environmentally Constrained Area (ECA) Regional Category, however, the development proposed by Modification #5 will take place only within the EDA Regional Category.

Changing 8.46 acres of open space to residential use will be consistent with the standards set forth for clustered residential projects by Policy 1.3 (Estate Development Area) of the Regional Land Use Element because the standard require 40 percent open space and the project proposes 59 percent open space. In addition, the proposed lots are consistent with the 1 acre minimum lot area allowed by the clustering standards.

- c. That the requirements of the California Environmental Quality Act have been complied with.

An Environmental Impact Report was prepared for this project that found potentially significant environmental impacts in the areas of Biology, Geology and Traffic. These impacts have been mitigated through preservation of sensitive habitat both on-site and off-site; standard erosion prevention measures implemented through the Stormwater Management Plan; and Traffic Mitigation Fees.

NOTICES FOR MODIFICATION #5:

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on January 30, 2008.

NOTICE: This subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). THE LISTING MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE. It is advisable to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: Fish and Game Fees have been paid in the amount of \$875 and \$1,675 for the review of the EIR, Receipt Number 238500 dated June 23, 2005, Receipt Number 332263 dated December 4, 2007, and Receipt Number 332300 dated January 9, 2008.

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

DRAFT
FORM OF DECISION
MAJOR USE PERMIT
P85-064W⁴

June 1, 2001 _____, 2008

PERMITTEE: HCC Investors

IS GRANTED, as per plot plan dated ~~August 24, 2000~~ June 17, 2004, consisting of two sheets, a Major Use Permit, pursuant to Sections 2185 and 2888h of The Zoning Ordinance, for the development of: an 18-hole golf course, and related facilities including: a clubhouse driving range and tennis courts.

Modifications 1 and 2 have been combined into this single Form of Decision. These modifications primarily involve the deletion of requirements relating to SA 680. Other changes include:

- Unit 5 access will now be taken from a new road, Strada Fragante;
- A driving range will be added to the area north of the clubhouse replacing the swim/tennis center;
- The swim/tennis center will move to the southwesterly corner of Unit 4;
- Unit 4 will be reconfigured to accommodate the relocated swim/tennis center;
- An interim clubhouse will occupy a number of lots that are part of Unit 4 until such time as the permanent clubhouse is available for occupancy; and
- A comfort station has been added north of Unit 6.

Modification 3 allows, at the applicant's discretion, a portion of the approved "Fitness, Swim, Tennis and Sales Complex" to be located on residential Lot 148.

Modification 4 involves two portions of the area covered by the Major Use Permit.

- One involves a lot containing 8.46 acres, located in the northwesterly portion of the site, changing the use from golf course/open space over to residential use. An existing open space easement over 8.02 acres of that lot will be vacated, and the lot will be subdivided by TM 5720RPL² (Unit 6), which will include five residential lots. These 8.46 acres will become part of the Major Use Permit associated with the Planned Residential Development portion of the project (P85-084W⁵). An internal boundary adjustment will accommodate extension of Calle Ponte Bella to service the five lots (B/C 03-0250).
- The other change involves the expansion of the area of the golf course driving range north of the clubhouse into two areas that are outside of the boundaries of The Bridges Specific Plan.

- One of the areas is comprised of a 3.43-acre portion of 15-acre lot which is being created by boundary adjustment (B/C 03-0221) south of Escondido Creek.
- The remainder of the driving range area is proposed to be located on 3.95 acres of land that currently at the rear of five residential lots located at the westerly boundary of the Santa Fe Creek Specific Plan. An amendment to the Santa Fe Creek Specific Plan (SPA 03-006) is required to provide for this use. In addition, two open space easements will be vacated (VAC 03-018) and replaced with a recreational open space easement.

The following conditions are imposed with the granting of this Major Use Permit and apply to the original Major Use Permit and Modifications 1-3:

- A. Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:
1. Grant an Irrevocable Offer to Dedicate real property for public highway to thirty feet (30') from centerline, plus slope rights and drainage easements for Avenida del Duque. NOTE: Subordination of any existing utility easements are not required.
 2. Execute an irrevocable offer dedicating real property for public highway to 30 feet plus slope rights and drainage easements along the easterly boundary of the property with a 20' radius corner rounding at street intersections.
 3. The subdivider shall either dedicate a 10-foot wide easement to the County for the San Dieguito Community Plan Riding and Hiking Trail along Aliso Canyon Road and the easterly boundary road or the outer 10 feet of right-of-way shall be shown on the map as "Reserved for Pedestrian and Equestrian Use".
 4. Contribute \$27,600,00 to the San Diego County Flood Control District Zone No. 1, as his/her share of future area flood control/drainage improvements.
 5. Submit a revised plot plan to the satisfaction of the Department of Public Works delineating the 100-year flood lines of the natural channels crossing the property and draining watersheds in excess of 25 acres. The correct right-of-way location for the proposed roads must be shown also.

6. Grant a flowage easement to the San Diego County Flood Control District for those portions of the property subject to inundation by a 100-year flood, from a drainage area in excess of one square mile.
7. If dedicated, improve the Riding and Hiking Trail System to the following design standards to the satisfaction of the Director, Department of Public Works.
 - a. The trail shall contain a minimum eight (8) feet of tread width with drainage structures as necessary.
 - b. The trail surface shall consist of the native soil, or where the soil is highly erosive or will not support the traffic, a tread surfacing material such as decomposed granite which will blend with the natural environment shall be provided.
 - c. Trail gradients shall not exceed 15%. Where natural grades exceed 15% sufficient width for switchbacks shall be provided to accommodate a 15% gradient trail.
 - d. Trails shall intersect roads at approximately 90-degree angles.
 - e. The trail system shall be continuous through the subdivision and shall provide for local access within the subdivision.
 - f. Points where the trail exits the subdivision shall be coordinated with existing or planned trail locations on adjacent property.
 - g. Signs at trail entrances to provide identification, rules and regulations; and markers along the route to direct the users.
8. Obtain an approved grading plan showing that all drainage on the property will be properly conveyed to handle the 100-year storm flows.
9. For the minor dam forming the smaller lake (water level 350 feet), a report on the stability of the dam is to be prepared by a civil engineer specializing in soils engineering and submitted to the Department of Public Works for approval. The report is to include but not be limited to general stability, data or spillway capability, and recommendations for necessary improvements shall be made. The spillway shall conform to the criteria of the San Diego County Flood Control District's "Design and Procedure Manual".

10. For any dams or ponds where applicable the applicant shall obtain a permit from the State of California, Department of Water Resources, Division of Safety of Dams.
11. Obtain Department of Public Works approval for the crossing of Escondido Creek at the 10th and 15th hole.
12. Execute a declaration of covenants for street improvements in lieu of immediate installation of Full Standard Street improvements including street lights. This covenant shall declare present and future owners of this property shall not protest any special assessment proceeding for constructing street improvements.
13. Execute a lien contract to improve Avenida del Duque to a one-half graded width of 28 feet with A.C. dike and A.C. pavement over approved base. Face of dike will be 18 feet from the centerline. This lien contract is in lieu of the immediate installation of Full Standard Street improvements. This lien contract shall declare present and future owners of this property agree to construct the street improvements in the future and require them to grant to the Department of Public Works a lien on the property to be developed securing these future improvements.
14. Emergency erosion control measures shall be provided to control soil movement satisfactory to the County Department of Public Works in the event the site is exposed to erosion during the period between November 1 to April 15. Erosion control measures shall include but not be limited to slope protection, installation of jute matting or approved equivalent, desilting basins, energy dissipators, silt control, sand bagging and storm drains.

All of the work described above pertaining to erosion control, slope protection, desilting basins, energy dissipators and silt control shall be secured by an instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading per the grading ordinance will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00.

The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

15. Prior to implementation Units 3 and 6 of the Specific Plan, the applicant shall to the satisfaction of the Director of the Department of Planning and Land Use:
 - a. Either dedicated Open space Easements over SDi-5956B in Unit 3 and SDi-6007 in Unit 6 which prohibits the removal of native vegetation, movement of mechanical equipment of the sites, or any grading, drilling, or construction [4A.EIR]; or
 - b. Submit a new Research Design for archaeological salvage excavation of SDi-5956B and SDi-6007. The salvage plan for each site shall include:
 - (1) A layout of excavation units for the first 5% of the sampling universes;
 - (2) The flaked and ground stone tool typology to be used in the analysis;
 - (3) A list of hypotheses which accommodates the viewpoints of professional peers in the current literature;
 - (4) A list of the technical analyses proposed for study of the samples, such as obsidian hydration, radiocarbon dating, poles-magnetism, pollen analysis, macro-floral analysis, faunal analysis, flaked stone edge-wear analysis, electron microscope of wear surfaces, thermo-luminescence, etc. These, and any other studies, need narrative explanation as to how resultant data would address hypotheses in the Research Design;
 - (5) Upon approval of the Research Design by the Director of the Department of Planning and Land Use, commence the implementation of the salvage work as Unit 3 and Unit 6 phase into operation [4B/EIR].
 - c. Prior to recordation of the Final Map or issuance of any grading or other use permits in Unit 3, the applicant shall either retain a qualified archaeologist to implement Condition 4-B above or dedicate an Open Space Easement with the prohibitions listed in 4-A above. The qualified archaeologist and applicant shall submit a professional salvage report which address the approved Research Design in accordance with the current standards of the day [4C/EIR].

- d. Prior to recordation of the Final Map or issuance of any grading or other use permits in Unit 6, the applicant shall either retain a qualified archaeologist to implement condition 4B above or dedicate an Open Space Easement with the prohibitions listed in 4-A above. The qualified archaeologist and applicant shall submit a professional report which addresses the approved Research Design in accordance with the current standards of the day [4D/EIR].
16. Grant to the County an open space easement over those portions of Lot 206 (TM 4569) which are shown on the plot plan to remain in native vegetation and not developed into tees, greens, fairways or cart paths for the golf course. Said easement shall be approved as to form by County Counsel and shall:

Prohibit any building, structures or other things from being constructed, erected, placed or maintained, including the addition or removal or disturbance of soil or vegetation, unless by written order of a fire marshal for the purpose of necessary fire control on subject easements except as may be permitted by Major Use Permit issued pursuant to The Zoning Ordinance. [DPLU – Regulatory Section]
17. Grant to the County an open space easement over those portions of Lot 206 (TM 4569) which are shown on the plot plan as the playing area for the golf course. Said easement shall be approved as to form by County Counsel and shall:

Limit the use of said open space to recreational purposes, including buildings, structures and improvements. [DPLU Regulatory Section].
18. Grant to the County an Open Space Easement over an 8-acre portion of Unit 6 as shown on the approved Specific Plan Map. Said easement shall be approved as to form by County Counsel and shall:

Prohibit any building, structures or other things from being constructed, erected, placed or maintained, including the addition or removal or disturbance of soil or vegetation, unless by written order of a fire marshal for the purpose of necessary fire control on subject easements.
19. Submit and receive approval of a grading plan for the golf course which will show all areas to be graded or otherwise disturbed. The grading plan shall show where access for construction equipment is to be provided, and where fencing will be located to ensure that native vegetation will not be disturbed.

20. Submit and receive approval from the Director of Planning and Land Use a complete and detailed landscape plan substantially in accord with the exhibit presented to the Planning Commission on August 15, 1986. The landscape plans and review fee shall be submitted to the Regulatory Planning Division. Plans shall include:
- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location and spacing of all trees proposed to be planted within said right(s)-of-way.
 - b. A complete planting plan including the names, sizes and locations of all plant materials, including trees, shrubs and ground cover. Include details, notes and specifications for plant materials. Wherever appropriate, native or naturalizing plant-materials shall be used which can thrive on natural moisture other than such irrigation as is necessary to establish the plantings.
 - c. A complete watering system including the location, size and type of all backflow prevention devices, pressure and nonpressure waterline, valves and sprinkler heads in those areas requiring a permanent irrigation system. Include details, notes and specifications for irrigation system. For areas of native or naturalizing plant material, the landscape plan shall show a method of irrigation adequate to assure establishment and growth of plant material through two growing seasons.
 - d. Finished elevation of the proposed grading.
 - e. The following specific items shall be addressed as part of the landscape plan.
 - (1) The applicant shall submit a plan for the golf course which shows:
 - (a) All areas which are to remain in native vegetation.
 - (b) All cart paths, fences, bridges (elevations) and maintenance buildings.

- (c) The clubhouse from the entry grade shall be one story. The downhill portion of the clubhouse shall not exceed 40,000 square feet.
- (d) The applicant shall comply with the parking regulations and Off-Street Parking Design Manual.
- (e) The applicant shall submit a phasing plan for the clubhouse.
- f. The location and type of walls, fences, walkways and lighting to be installed.

(The following conditions pertain to the development associated with Modification #4)

- 21. Obtain approval of Boundary Adjustment B/C 03-0221 to create Parcel "A" to be used for a portion of the reconfigured driving range.
- 22. Cause to be placed on the face of grading and improvement plans the following: "Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas of one (1) or more acres require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works" (MM2.1.4.a2) (Design Measure 1).
- 23. Demonstrate that all of the work described above pertaining to erosion control, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work specified in the agreement if it is not accomplished to the satisfaction of the County Department of Public Works by the required dates. The cash deposit

collected for grading, per the Grading Ordinance, may at the County's discretion be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures (MM2.1.4.a2) (Design Measure 1).

24. Demonstrate establishment of a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works (MM2.1.4.a2) (Design Measure 1).
25. Establish a DPW account in an amount equal to 24 months of maintenance for the entire project as estimated in the approved Stormwater Management and Maintenance Plan (MM2.1.4.a2) (Design Measure 1).
26. Grant to the County of San Diego a biological open space easement over 12.39 acres of Parcel A adjacent to the proposed Driving Range shown on the Open Space Exhibit dated December 14, 2007 and on file at Department of Planning and Land Use as Environmental Review Number 01-08-004. This easement is for protection of sensitive habitats and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exceptions to this prohibition are:

- Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

- Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
 - Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego (MM2.2.4.a1).
27. Prior to approval of the grading or improvement plans, or approval of the Final Map, whichever comes first, the applicant shall grant to the County of San Diego a recreational open space easement over the portion of Unit 6 shown on the Open Space Exhibit dated December 14, 2007 and on file at DPLU as Environmental Review Number 01-08-004. This easement allows recreational uses and activities associated with the existing golf course, and prohibits all other uses, including the extension of any right-of-way for accessing adjacent properties.
28. Prior to completion of rough grading, the applicant shall demonstrate that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Exhibit dated December 14, 2007 on file with the Department of Planning and Land Use as File Number ER 01-08-004. The applicant shall submit to the Director of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that signs have been placed on the open space boundary facing the development areas approximately 100 feet apart, but not exceeding a distance of 200 feet apart where topography limits access. Evidence shall include photographs of a sign placed on the project and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant and 6" x 9" minimum in size, on posts not less than 3 feet in height from the ground surface and must state the following: "Sensitive Environmental Resources Disturbance Beyond this Point is Restricted by Easement. Information: Contact County of San Diego, Department of Planning and Land Use (Ref: ER 01-08-004)" (MM2.2.4.f3).
29. Provide for the approval of the Director of Planning and Land Use evidence that 8.13 acres of Diegan Coastal Sage Scrub habitat has been preserved at APN 223-072-02 (Alamere). Evidence of compliance with this condition shall include (1) an open space easement to the County of San Diego or equivalent legal preservation and (2) funding in perpetuity of

a management plan, to the satisfaction of the Director of Planning and Land Use (MM2.2.4.a1). [DPLU FEE]

30. Provide for the approval of the Director of Planning and Land Use evidence that 6.72 acres of annual grassland or like functioning habitat has been preserved at APN 223-072-02 (Alamere). Evidence of compliance with this condition shall include (1) an open space easement to the County of San Diego or equivalent legal preservation and (2) funding in perpetuity of a management plan, to the satisfaction of the Director of Planning and Land Use (MM2.2.4.a2). [DPLU FEE]
31. Provide for the approval of the Director of Planning and Land Use evidence that 2.43 acres of Coastal Sage Scrub habitat has been preserved at APN 264-680-11 (Onyx Ridge). Evidence of compliance with this condition shall include (1) an open space easement to the County of San Diego or equivalent legal preservation and (2) funding in perpetuity of a management plan, to the satisfaction of the Director of Planning and Land Use (MM2.2.4.a1). [DPLU FEE]
32. Cause to be placed on grading and/ or improvement plans and the Final Map, the following: "Restrict all construction within 500 feet of occupied California gnatcatcher habitat and raptor nesting habitat during the breeding season occurring between February 15 and August 31 unless a survey by a qualified biologist determines that any active nests are greater than 500 feet from the construction or a qualified acoustician determines that there is no noise above 60 dBA Leq at the nests with implementation of noise-reducing measures (MM2.2.3.c) (MM2.2.4.f4).
33. Demonstrate to the satisfaction of the Director of Planning and Land Use (DPLU) that the applicant has executed a work contract with a qualified biological consultant to monitor the project clearing, grubbing, grading and construction. The monitor shall perform the following duties: (1) prepare a California gnatcatcher monitoring program to the satisfaction of DPLU and the Wildlife Agencies; (2) weekly inspection of fencing and erosion control measures (daily during rain events) in the vicinity of proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector; (3) periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector; (4) train contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction; (5) periodically monitor construction lighting to ensure lighting is the lowest illumination possible allowed for safety,

- selectively placed, shielded, and directed away from preserved habitat; (6) periodically monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US; (7) halt work when deficiencies require mediation and notify DPW Construction Inspector within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the DPLU (final report will release bond); (9) confer with the Wildlife Agencies within 24 hours any time protected habitat or gnatcatchers are being affected by construction; (10) be responsible for notification and oversee remediation if impacts to preserved habitat should occur; (11) attend preconstruction meetings and other meetings as necessary; and (12) prepare and submit monthly reports to the Wildlife Agencies and DPLU (MM2.2.3.c).
34. Post a bond for the amount required for monitoring by the Biological Monitor and the Qualified Acoustician. Upon acceptance of the final report by the Director of Planning and Land Use, the bond shall be released (MM2.2.3.c).
35. Cause to be placed on the face of the grading and improvement plans the following, "The biological monitor shall be on-site daily during clearing and grading in or adjacent to sensitive habitat, and weekly after clearing and grading have been completed to check that all measures are adequately and fully implemented" (MM2.2.3.c).
36. Provide the Director of Planning and Land Use a copy of applicable Streambed Alteration Agreements issued by the California Department of Fish and Game for all project related disturbances, or provide evidence satisfactory to the DPLU that such agreements are not required (MM2.2.4.d).
37. Submit to and receive approval from the Director of Planning and Land Use a Revegetation Plan to provide establishment of native vegetation on the manufactured fill slope adjacent to the proposed golf course driving range. The Revegetation Plan shall include (but not be limited to) the following to ensure the establishment of the vegetation: objectives, 24"x 36" map showing the revegetation areas, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 70 percent success criteria, a minimum two-year monitoring plan and detailed cost estimate. The cost estimate shall include planting, plant materials, irrigation, maintenance, monitoring, and report preparation. The plant pallet shall include native oak species and a combination of container stock and hydroseeding. The report shall be prepared by a County approved biologist and a State of California Licensed Landscape Architect. The revegetation shall occur either on-site

or at the off-site mitigation parcels (Design Measure 7 and Response to Comments).

38. Enter into a Secured Agreement with the County of San Diego Department of Planning and Land Use consisting of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plans and a 10 percent cash deposit not to exceed \$30,000, each. A cost estimate based on a 3% annual inflation rate shall be submitted and approved by the DPLU which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required five year period, and report preparation and staff time to review. This agreement is intended to guarantee commitment to project completion and success. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty (80) percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan (MM2.2.4.d).
39. Submit and have approved by the Director of Planning and Land Use (DPLU), a draft Resource Management Plan (RMP) for the perpetual habitat management of the onsite preservation areas. The RMP shall be prepared by a County-approved consultant, with a minimum of 5 years of experience in San Diego County biological resource management. The plan shall be prepared in accordance with DPLU approved guidelines.
40. Enter into an Agreement with County whereby the applicant agrees to implement the RMP, which includes a financing mechanism that provides perpetual funding (such as a non-wasting endowment) adequate to pay the costs of all RMP management activities. The Agreement shall be signed prior to issuance of a Grading Permit. The amount of funding shall be based upon a DPLU approved Property Assessment Record (PAR) or equivalent estimation to DPLU's satisfaction. The Agreement shall provide for the funding to transfer to the County in the event of the failure of the conservancy to perform. The PAR and RMP funding shall be provided or the funding mechanism established within 6 months of issuance of a Grading Permit.

41. Submit, concurrently with the draft RMP, a deposit as specified by the County fee schedule for review of the Plan and subsequent reports. The account shall be maintained at or above \$1,000 for review of annual reports and for contingencies (MM2.2.4.f8).
42. Cause to be placed on the grading and/or improvement plans the following: "Temporary fences shall be in place at all times during grading, brushing, clearing and grading to protect all open space easements shown on the Tentative Map. The subdivider shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed only after the conclusion of such activity" (MM2.2.4.f7)
43. Cause to be placed on grading and improvement plans and the Final Map, the following: "Restrict all construction within 500 feet of occupied California gnatcatcher habitat and raptor nesting habitat during the breeding season occurring between February 15 and August 31 unless a survey by a qualified biologist determines that any active nests are greater than 500 feet from the construction or a qualified acoustician determines that there is no noise above 60 dBA Leq at the nests with implementation of noise-reducing measures (MM2.2.3.c) (MM2.2.4.f4)
44. Cause to be placed on grading and improvement plans and the Final Map, the following: "Restrict all brushing and clearing such that none will be allowed between February 15 and August 31 of any year to avoid impacts to nesting birds, including, but not limited to, California gnatcatcher" (MM2.2.3.c).
45. Demonstrate to the satisfaction of the Director of Planning and Land Use (DPLU) that the applicant has executed a work contract with a qualified biological consultant to monitor the project clearing, grubbing, and grading (MM2.2.3.c) [DPLU, FEE].
46. Post a bond for the amount required for monitoring by the Biological Monitor. Upon acceptance of the final report by the Director of Planning and Land Use, the bond shall be released (MM2.2.3.c) [DPLU, FEE].

47. Cause to be placed on the face of the grading and improvement plans the following, "The biological monitor shall be on-site daily during clearing and grading. The monitor shall confer with the Wildlife Agencies within 24 hours if California gnatcatchers or any other threatened or endangered species are being affected by construction."
48. Provide the Director of Planning and Land Use (DPLU) a copy of the Clean Water Act, Sections 401/404 permits issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances, or provide evidence satisfactory to the DPLU that such permits are not required (MM2.2.4.d) (MM2.2.4.f1) [DPLU, FEE].
49. Provide the Director of Planning and Land Use (DPLU) a copy of the Endangered Species Act Section 7 permit issued by the U. S. Fish and Wildlife Service for project related disturbances subject to the jurisdiction of the Army Corps of Engineers, or provide evidence satisfactory to the DPLU that such permits are not required (MM2.2.4.d) (MM2.2.4.f1) [DPLU, FEE].
50. Submit for approval of the Director of Planning and Land Use (DPLU) Landscape Plans that require installation of rain shut off devices to prevent irrigation after precipitation and use of low-flow reducers in the vicinity of the driving range fill slopes to the satisfaction of the DPLU (MM2.2.4.e).
51. Submit for approval of the Director of Planning and Land Use Landscape Plans that require that graded areas outside private lots and paved areas be landscaped with a mix of seeding and container stock of native species (non-invasive non-natives may also be utilized at appropriate) within the first growing season (November to February) following establishment of the finish grades and weed control shall be provided for two years after landscaping to minimize degradation of native habitats (MM2.2.3.c) (MM2.2.3d) (MM2.2.4.f2).
52. Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: [DPLU, FEE]

- a. The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
- b. The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
- c. The project archaeologist shall monitor all areas identified for development including off-site improvements.
- d. An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
- e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- f. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- g. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts

shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

- h. If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- k. Monthly status reports shall be submitted to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction. (Note: Use this condition only if grading will take more than 1 month).

- l. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.
 - m. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
- 53. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:
 - a. The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - b. The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - c. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
 - d. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a

Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

- e. The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
 - f. If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
 - g. The Principal Investigator shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction. (Note: Use this condition only if grading will take more than 1 month). [DPLU, FEE]
 - h. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. [DPLU, FEE]
54. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The plan shall utilize drought tolerant plants having a variable root depth. The plan is to be implemented within the first growing season (November to February) following establishment of the finish grades to the satisfaction of the Director of Planning and Land Use. The Landscape Plans and review fee shall be submitted to the Regulatory Planning Division, Zoning Counter (MM2.1.4a1). Plans shall include: